

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

IN RE:	)	CASE NO. 19-62845-PWB
	)	
SEAN IVAN FLEMING,	)	CHAPTER 7
	)	
Debtor	)	

**TRUSTEE'S APPLICATION FOR APPOINTMENT OF COUNSEL FOR TRUSTEE**

TO: THE HONORABLE PAUL W. BONAPFEL  
UNITED STATES BANKRUPTCY JUDGE

Jordan E. Lubin, Trustee, respectfully represents:

1.

Trustee is the duly appointed and acting Trustee herein, and seeks authorization to employ W. Russell Patterson, Jr. and the law firm of Ragsdale, Beals, Seigler, Patterson & Gray LLP ("RBSPG") as counsel for the Trustee in these proceedings.

2.

RBSPG consists of attorneys admitted to practice in this Court who have knowledge and experience in bankruptcy practice and who are well qualified to represent your Trustee.

3.

The professional services to be rendered for which it is necessary to retain attorneys include:

- a) Assisting the trustee in the investigation and liquidation of estate assets;
- b) Assisting the trustee in any turnover and/or receivables issues;
- c) Advising and counseling the trustee and litigating, if necessary, avoidable transfer issues; and

- d) Preparation of pleadings and applications incidental to any litigation and contested matters, and/or any settlement of litigation matters.

4.

RBSPG would represent the trustee under a general retainer, with statements for services rendered reflecting the applicable hourly charges of the firm. Those hourly rates are \$325.00 to \$400.00 per hour for partners, \$265.00 per hour for associates, and \$135.00 per hour for paralegals. A statement outlining reasons suggesting the specific need for an attorney herein is referenced in paragraphs 3 and 6.

5.

To the best of the trustee's knowledge, neither RBSPG nor any partner or associate of said firm represents any interest adverse to the trustee of this estate in the matters upon which they would be engaged.

6.

RBSPG will be primarily retained for the following purposes:

- (1) to assist the Trustee in all pleadings and investigation related to the administration of this case;
- (2) to represent and assist the trustee on the liquidation of assets held by the estate; and
- (3) to represent and assist the trustee on all contested matters and litigation, including negotiations and/or litigation related to any voidable transfer issues.

7.

It is Applicant's belief that the appointment of RBSPG as attorneys for the trustee will be in the best interest of the estate and its creditors.

Respectfully submitted this 8<sup>th</sup> day of January, 2020.

/s/ Jordan E. Lubin

Jordan E. Lubin

Trustee

Georgia Bar No. 460639

Lubin Law P.C  
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Atlanta, GA 30350-3307  
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IN RE:	)	CASE NO. 19-62845-PWB
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**VERIFIED STATEMENT OF W. RUSSELL PATTERSON, JR.  
PURSUANT TO FED.R.BANKR.P. 2014 (a), IN SUPPORT  
OF APPLICATION TO EMPLOY RAGSDALE, BEALS, SEIGLER,  
PATTERSON & GRAY, LLP AS COUNSEL FOR CHAPTER 7 TRUSTEE**

William Russell Patterson, Jr., pursuant to Federal Rule of Bankruptcy Procedure 2014(a) makes this Verified Statement in support of the Application to Employ Ragsdale, Beals, Seigler, Patterson & Gray, LLP as Counsel for Jordan E. Lubin, Trustee (“Trustee”), and shows the Court as follows:

1.

Applicant is a partner in the law firm of Ragsdale, Beals, Seigler, Patterson & Gray, LLP (“RBSPG”), a firm located at 229 Peachtree Street, N.E., Suite 2400, Atlanta, Georgia 30303-1629.

2.

Applicant is an attorney admitted to this Bankruptcy Court and in good standing in this court.

3.

To the best of applicant’s knowledge, RBSPG and the employees thereof represent no interest adverse to the Trustee, the debtor, the estate, or any creditors of the estate in the matters

upon which RBSPG is to be engaged for the Trustee, and RBSPG's appointment will be in the best interest of the estate.

4.

Neither I nor RBSPG have ever performed services for the debtor, or for any creditor of the debtor, in connection with the debtor or in connection with this case. To the best of my knowledge, neither I nor any employee have any "connection" [within the meaning of that term under Bankruptcy Rule 2014(a)] with the debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the Office of the United States Trustee.

5.

To the best of my knowledge, the undersigned and all employees of RBSPG are "disinterested persons" as defined by 11 U.S.C. § 101(14), with respect to the above-captioned debtor and creditors.

1) Specifically, RBSPG:

- a) Was never employed by the debtor or creditors prepetition;
- b) Is not a prepetition creditor of the debtor or creditors;
- c) Is not an equity security holder of the debtor or creditors;
- d) Is not an insider of the debtor or creditors; and
- e) Is not and was not an investment banker for any outstanding security of the debtor or creditors.

2) Applicant has not been, within three years before the date of the filing of the petition, an investment banker for a security of the debtor or creditors, or an attorney for such an

investment banker in connection with the offer, sale or issuance of a security of the debtor or creditors, nor does applicant have an interest materially adverse to the interest of the estate of any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in, the debtor or an investment banker specified in subparagraphs above, or for any other reason;

3) RBSPG has advised the Trustee of its willingness to serve as attorney and to be employed under an order pursuant to which it will receive reasonable compensation for its services and be reimbursed for its expenses under applicable law, after notice and hearing;

4) RBSPG intends to bill for its legal services in this case in accordance with its usual practice, applying its customary hourly rates for matters of this type and charging the actual out of pocket disbursements and expenses customarily billed to its clients and necessarily incurred;

5) Applicant represents that RBSPG is eligible for employment and appointment by the Trustee pursuant to the Bankruptcy Code and the applicable Bankruptcy Rules; and

6) Applicant states that the foregoing statements are true, and based upon my personal knowledge, and are made under penalty of perjury under the laws of the United States.

This 8<sup>th</sup> day of January, 2020.

/s/ W. Russell Patterson, Jr.  
W. Russell Patterson, Jr.  
Georgia Bar Number 566920

Ragsdale, Beals, Seigler, Patterson & Gray, LLP  
229 Peachtree Street, N.E., Suite 2400  
Atlanta, GA 30303-1629  
(404) 588-0500  
E-Mail: wrpjr@rbspg.com

Sworn to and subscribed before  
me, this 8<sup>th</sup> day of January, 2020.

/s/ Allyson H. Stone  
Notary Public

My commission expires: June 18, 2023

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**CERTIFICATE OF SERVICE**

This is to certify that I have on this day electronically filed the foregoing **Trustee's Application for Appointment of Counsel for the Trustee** using the Bankruptcy Court's Electronic Case Filing program, which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing Program:

Jordan E. Lubin	<a href="mailto:jordan.lubin@laslawgroup.com">jordan.lubin@laslawgroup.com</a>
Office of the U.S. Trustee	<a href="mailto:ustpreion21.at.ecf@usdoj.gov">ustpreion21.at.ecf@usdoj.gov</a>
G. Frank Nason	<a href="mailto:fnason@lcnlaw.com">fnason@lcnlaw.com</a>

This 8<sup>th</sup> day of January, 2020.

/s/ W. Russell Patterson, Jr.  
W. Russell Patterson, Jr.  
Georgia Bar No. 566920

Ragsdale, Beals, Seigler, Patterson & Gray LLP  
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